

GEORGIA M. PESTANA
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MARTHA NIMMER
Special Assistant Corporation Counsel
Cell: (917) 499-8632

VIA ECF

Hon. Paul A. Crotty
United States District Court
Southern District of New York
500 Pearl Street, Room 1350
New York, NY 10007

September 10, 2021

9/16/2021
40 day
The stay requested per 2(1) is
granted. A conference will be held on
December 15, 2021 at 4 p.m. The conference
will be adjourned.
Per order

Re: *L.H. v. New York City Dep't of Educ.*, 21-cv-923 (PAC)(RWL) *Paul A. Crotty*
cl/p

Dear Judge Crotty:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, Georgia M. Pestana, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.*, as well as for this action.

I write to respectfully request a 90-day stay of this case, including a stay of the deadline by which Defendant must file its answer, and an adjournment of the upcoming conference scheduled for September 28, 2021, *sine die*. Plaintiff consents to these requests, and has agreed to provide billing records for this matter no later than September 27, 2021. This is the fourth request for an extension of the time to answer, the second request for an adjournment of the conference and the second request for a stay.

Defendant's first request for an extension of the answer deadline was made on April 2, 2021, and granted by Your Honor on April 5, 2021. The second request for an extension was made on June 10, 2021 and granted by Your Honor the following day. The third request for an extension was made on July 20, 2021 and granted by Your Honor the following day.

The first request for an adjournment of the conference was also made on June 10, 2021 and granted by Your Honor the following day. The second request for an adjournment was made on July 20, 2021 and also granted by Your Honor the following day.

The first request for a stay was made on May 18, 2021, but not decided by the Court.

The requested stay, extension and adjournment would provide Defendant with sufficient time to review the billing records (once provided) along with the administrative record, and obtain settlement authority from the New York City Office of the Comptroller. We are hopeful that the parties will settle this matter without the need for further burden on the Court's time.

Accordingly, Defendant respectfully requests the following: that the action be stayed for 90 days, including a stay of the deadline by which Defendant must file its answer, and that the conference be adjourned *sine die*.

Thank you for considering these requests.

Respectfully submitted,

/s/

Martha Nimmer, Esq.
Special Assistant Corporation Counsel

cc: Irina Roller, Esq. (via ECF)